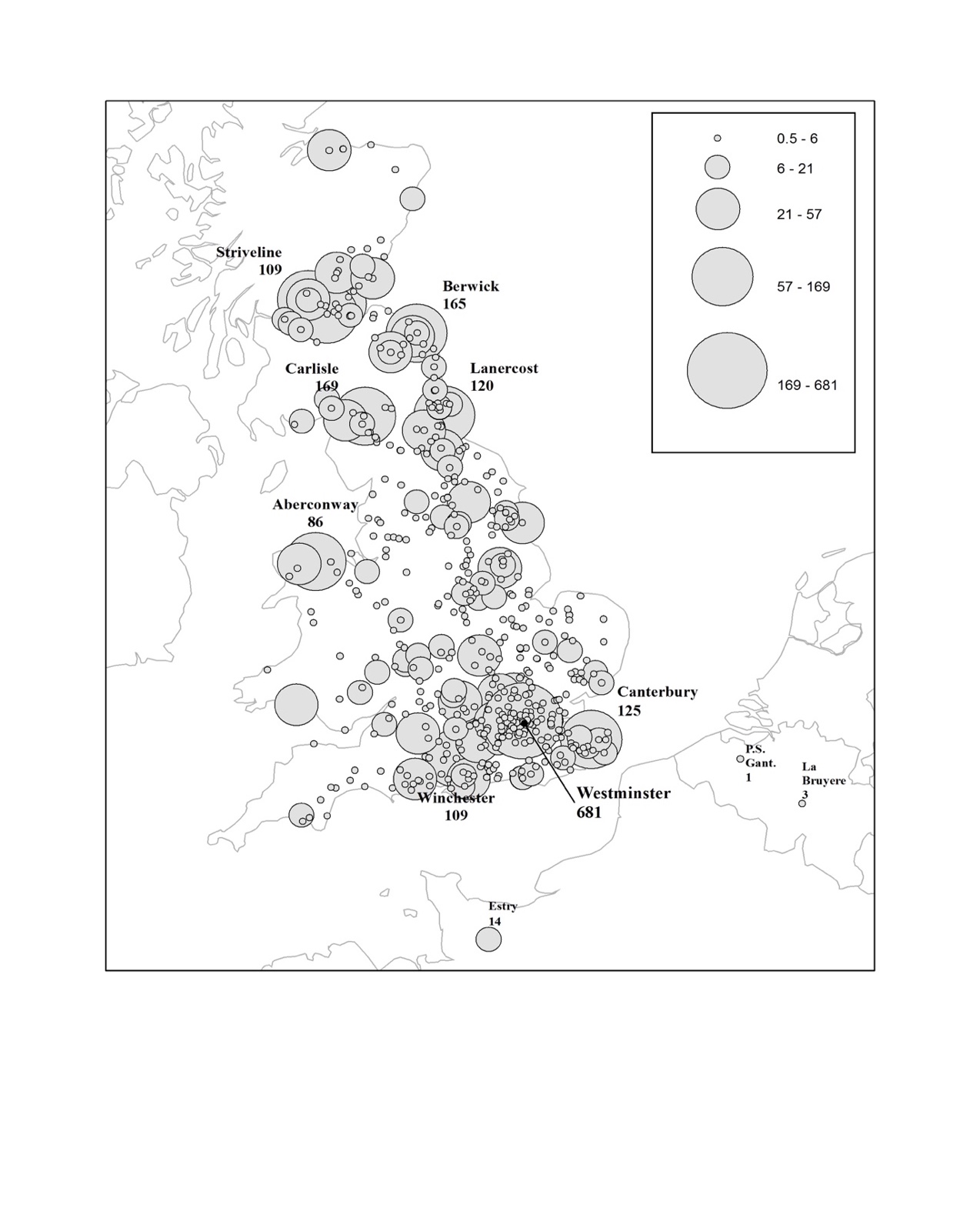
From Roving To Stationary Judges:  
  
Power, Land, and the Origins Of Representative Institutions

Part One The Origins of Representative Institutions: Power, Land, and Courts

Figure 1: Locations visited by Edward I in 16 years (1291-1307), weighted by cumulative days spent in each location.

* 1. 
  2. Source: This GIS-generated map uses the calculations from Hartshorne 1871.

# Introduction

“Common pleas shall not follow our court but shall be held in some fixed place.”[[1]](#footnote-1) This was the seventeenth condition that the barons imposed on the king of England in Magna Carta in 1215. Until then, barons often had to search around the realm to find the king to settle disputes under royal jurisdiction, especially land disputes that could be judged by him alone.

Finding the king, however, was often a wild chase: even after Parliament was fully formed in the 1290s, for instance, Edward I visited more than 1,300 English towns and several continental ones over a sixteen-year period, spending fewer than four days on average in each (Figure 1).[[2]](#footnote-2) The image popularized by the economist Mancur Olson of the king as “roving bandit” extorting goods and services from the population was not wrong:[[3]](#footnote-3) ruler visits were dreaded across Europe for the destruction that accompanied them. English kings’ retinues accidentally burned down houses,[[4]](#footnote-4) and Edward I traveled with lions that killed working animals in Gascony, outraging the locals.[[5]](#footnote-5) Rulers and their retinues (which often numbered in the dozens or hundreds) forced local communities to subsidize these visits with foodstuffs and services. This practice, known as purveyance, was a heavy burden: over three weeks in the 1280s, the Flemish count required 10,600 herrings.[[6]](#footnote-6)

But these “visits” were not lawless⎯Edward I paid compensation for the animals killed, for instance⎯nor was their purpose merely extractive.[[7]](#footnote-7) Most importantly, these roving kings dispensed justice, which was eagerly and often desperately sought. In this book, I argue that this demand for justice was the primary necessary condition for the development of the parliaments, or polity-wide institutions of representation, that emerged in medieval Europe. Moreover, this demand was intricately tied to the king’s status as “lord of all the tenants in the realm,” as all land and tenancies were held “of the king,” which they technically remain in England to this day.[[8]](#footnote-8)

The role of justice in early institutions of governance has long been investigated by historians, with three major accounts, Thomas Bisson’s comparative study of the origins of European government, John Maddicott’s account of the English Parliament, and Michel Hébert’s overview of Western medieval parliaments, recently reviving interest.[[9]](#footnote-9) Yet the topic has been generally neglected in social scientific accounts of the emergence of representative institutions and of state-building in general, into the modern period. With rare exceptions, such as the work of Timothy Besley and Francis Fukuyama,[[10]](#footnote-10) justice has been typically dismissed as a secondary public good.[[11]](#footnote-11) Yet paradoxically, justice has strikingly emerged as a primary activity in establishing rule in some of the most violent contemporary theaters of conflict: from Colombian rebels to the Islamic State in Syria, one of the first tasks of conquering groups has been to gain control of adjudication mechanisms and thus strengthen their control over the population.[[12]](#footnote-12) Although this fundamental insight⎯that control of justice means control of people⎯has been grasped by medieval kings and violent modern warlords alike, it remains largely unexplored in the current literature.

Assemblies were pervasive at different levels throughout Europe since the medieval period, from the village to the town to the county or principality level.[[13]](#footnote-13) Some assemblies congregated all estates together; others summoned towns and the nobility separately. They could be found in the city-states of Northern Italy, the semi-autonomous cities of the Low Countries and the cities of southern France and Castile, the duchy of Muscovy, throughout the Holy Roman Empire, and beyond. Indeed, *localized* representative practices survived even within regimes defined as “absolutist” like France or Spain. But in some cases, parliaments served as the central organ of governance at *a polity level*.[[14]](#footnote-14) This outcome was rare because it involved integrating extensive territories and diverse populations both inclusively and effectively under a stable center. England is the most representative case, with early Catalonia, Hungary, Poland, the Low Countries, Sweden, displaying variation in extent and robustness, as we will see.[[15]](#footnote-15) But England stands out by retaining the same parliamentary structure since the 1200s to the present day, with only an eleven-year interruption during the seventeenth-century Civil War.[[16]](#footnote-16)

To explain representative practice, most scholarship has drawn on Cicero’s observation that money, especially taxation, is the sinews of war.[[17]](#footnote-17) Taxation is typically related to representative origins through a balancing logic, especially since the seminal works of economist Joseph Schumpeter and more recently of political scientist Margaret Levi:[[18]](#footnote-18) war-mongering rulers granted rights to social groups endowed with new wealth and thus greater bargaining power in exchange for taxation. As chapter 2 will discuss, this logic has been deployed in a broad range of works, from geopolitical accounts[[19]](#footnote-19) to comparative historical sociology.[[20]](#footnote-20) Historians too have ultimately integrated judicial concerns in a broad bargaining dynamic over taxes, as this dynamic is omnipresent in the sources.[[21]](#footnote-21)

Few have thus challenged the centrality of money in state-building, despite Machiavelli’s early doubts.[[22]](#footnote-22) The concurrent rise of trade and representation after the 1100s has solidified this connection.[[23]](#footnote-23) However, the role of taxation in the emergence of representative institutions remains unproven. For one thing, it assumes that representative origins depend on rulers becoming constrained through the collective action of social actors. As we will see, views on which social group was critical varied, with most theories emphasizing urban groups. But like all groups, these were composed of individuals often divided by conflicts of interest or by tendencies to free-ride. War is often assumed to override such divisions, by mobilizing citizens around a “public good.”[[24]](#footnote-24) As economic historians Gennaioli and Voth noted, however, in the medieval period wars were actually a “sport of kings.”[[25]](#footnote-25) Ironically, states involved in more defensive wars, such as France, developed weaker institutions. Attributing collective action simply to expected gains in rights implies a functionalism that weakens the theory’s explanatory power. The logic also cannot explain why groups would request collective rights rather than individual ones or rents, as observed both historically and in the modern world.[[26]](#footnote-26)

Furthermore, if, as some theories hold,[[27]](#footnote-27) rulers are assumed to bargain with holders of mobile capital, how did regimes incorporate broader segments of the population, especially the countryside—a necessary trait for a regime to be inclusive? As we will see, French and Castilian institutions did not include the countryside, only the towns. But this undermined polity-wide representation; in France, it contributed to its demise.

The bargaining logic also cannot explain another key institutional feature: regularity. It is not enough to discern the demand for consent; the question is why would subjects demand an institution to regularize their consent. Kings originally demanded taxation only irregularly. Though the time-hallowed motto of “no taxation without representation” would lead us to expect that their subjects would request representation in return, in fact communities across Europe originally only demanded assurances that taxes conceded would not become a precedent.[[28]](#footnote-28) Any community or group with strong bargaining powers would avoid regularizing the impositions, to increase the ruler’s collection costs. They would only demand regularity if the burden was unavoidable (as predictability was more efficient for them)—but this would mean the ruler was stronger.

Further concerns are raised when one extends beyond Western Europe. The regimes of premodern Russia, China, and the Ottoman Empire are commonly described as absolutist or even sultanic, so one could conclude that neither consent nor bargaining was involved in state-society relations. Yet war was endemic: according to economic historian Philip Hoffman, early modern China was at war as often as England and France, over 50% of the time.[[29]](#footnote-29) Military technology was as developed in the Ottoman Empire and China before the 1600s.[[30]](#footnote-30) Nor was Western economic growth exceptional: some Chinese regions matched European ones before 1700.[[31]](#footnote-31) As we will see, bargaining on taxes was no less common either. Representative assemblies conveying local preferences to the political center are identified with the West, however.[[32]](#footnote-32) Why that is so remains an important puzzle.

Understanding the preconditions of representative governance is not a remote historical concern. It remains a vital question today. Representative institutions shape our understanding of the state and the constitution of state power.[[33]](#footnote-33) Moreover, since \*Douglass North’s work,[[34]](#footnote-34) representative institutions underlie accounts addressing both economic growth and the rise of democracy.[[35]](#footnote-35) Representative practices often also exemplify the divergence of East and West.[[36]](#footnote-36) Finally, conventional understandings of Western political development have informed policy prescriptions on emerging markets and democracies.[[37]](#footnote-37) Yet democratic states and liberal orders are faltering in both developed and less-developed regions, as political scientists Levitsky and Ziblatt have argued, so a re-examination of the foundations of the liberal order remains important.[[38]](#footnote-38)

Representative origins further illuminate an enduring theoretical concern among social scientists: how to constrain power.[[39]](#footnote-39) Political scientist Barry Weingast articulated the “fundamental political dilemma” as a conundrum: “A government strong enough to protect property rights and enforce contracts is also strong enough to confiscate the wealth of its citizens.”[[40]](#footnote-40) This dilemma afflicts the economy *and* political organization and is resolved when actors solve their collective action problem and act to restrain the ruler. Variation in this capacity even explains why premodern growth rates diverged, according to economists Acemoglu and Robinson.[[41]](#footnote-41) The paradigmatic case, especially since North and Weingast’s work, has been England and the contractual equilibrium produced by the seventeenth-century Glorious Revolution,[[42]](#footnote-42) and the logic has broad empirical support.[[43]](#footnote-43)

But how social actors collectively constrained such power remains unclear. For Olson, it was only possible when selective incentives or force were present, by rulers (“bandits”) who became stationary and realized that encouraging growth would maximize their revenue, thus leading to more constrained “bandit” behavior.[[44]](#footnote-44) Although this approach focuses on origins, it does not resolve Weingast’s “political dilemma:” if the bandit is powerful enough to encourage growth *and* extract from the population, he is still powerful enough to confiscate their wealth. As political scientists Haber, Maurer, and Razo have argued, “the despot’s commitment to protect property rights is purely volitional” and thus has no external constraint.[[45]](#footnote-45)

The following sections identify a number of ways in which representative origins display an inverse logic from that widely assumed to explain them, especially highlighting the role of state strength. They then counter common narratives about the English state as weak that seem to underlie many of our intuitions about the foundations of representative emergence. A preview of the theory follows and the chapter concludes by explaining the case selection and methodological approach.

## The Inverse Logic of Representative Origins

This book aims to revisit some fundamental assumptions that permeate much of this literature. The main one is that representation was, originally at least, a form of constraint over political authority by politically assertive social groups. This implies that the goal in building stronger representative regimes is to limit the powers of the state, an assumption that had wide-ranging implications in various literatures and in development policy. For instance, for a long time it meant that to strengthen democracy (and develop economically), the power and reach of the state had to be limited, a perspective expressed in the Washington Consensus that prevailed until the 1990s.[[46]](#footnote-46) It feeds on a more general assumption, whereby the outcomes desired in modern liberal democratic representation, for instance limited executive authority, a separation of powers, and the protection of individual rights, were also conditions that enabled their emergence in the first place. So explaining why some polities developed representative institutions whilst others did not would involve searching for cases where social groups could already limit state power or secure stronger property rights; it means looking in the past for early instances of the same condition that is desired today.

The medieval historian Marc Bloch warned about this kind of endeavor. He called it the “idol of origins,” the anachronistic fallacy of looking in the past for elements of the present.[[47]](#footnote-47) Searching for origins remains vital of course. Assumptions about origins invariably affect—and can distort—causal arguments about later stages of institutional development. And despite theorists calling for more attention to them, they remain overlooked.[[48]](#footnote-48) However, this account suggests that original conditions were often *inversely* related to the outcomes of concern today. This gives rise to what I call the “normative/empirical inversion,” whereby norms that are taken as constitutive of an institutional order are in fact inversely related to the empirical reality on the ground that generated them.

Next, I describe three intuitive assumptions that shape our thinking about institutional and regime emergence, but which display this inversion. The first is that the goal of representative government is to disperse power away from the center and into society; second, that this dispersal of power should be reflected in the machinery of government, by separating its different functions, especially the judicial from the legislative; third, that the purpose of representative government is to secure stronger property rights and limits to extraction by the state. The book will highlight more such reversals, which are further discussed in the conclusion.

### The Inverse Logic of Emergence: Central Power and the Social Foundations of Political Institutions

Since liberal governance is broadly identified with limiting central executive power and protecting individual rights, it is natural that a central component of it, representative institutions, is assumed to serve those goals. This perception also permeates the historical state-building literature, which emphasizes patterns of “local government,”[[49]](#footnote-49) and sociological studies that posit a balance of power between social actors; pluralism and political fragmentation thus undergird constitutional (or state-building) outcomes.[[50]](#footnote-50)

However, for an entire regime to be deemed representative or constitutional, disparate preferences and practices need to be homogenized at the polity level —outcomes need to be observed at the polity, not just the local, level. For a political unit to be constitutionally integrated, laws must emanate from an institution that incorporates all those affected, even if originally they had no real voting powers. This typically implies some considerable amount of centralization.

Power concentration, by contrast, is often perceived as a suboptimal form of political organization:[[51]](#footnote-51) it generally implies centralization, coercion, and the suppression of local preferences, dynamics that are inimical to constitutional (or democratic) regimes. It is typically identified with absolutism and premodern and modern despotisms, which are assumed to be strong states.[[52]](#footnote-52) This polarity has entrenched a stereotypical contrast between “strong” absolutist states and “weak” constitutional ones.[[53]](#footnote-53)

But as economic historian Stephan Epstein noted, this is an “assumption refuted by decades of research on pre-modern political practices that has shown how ‘absolutism’ was a largely propagandistic device devoid of much practical substance.”[[54]](#footnote-54) The assumed monopoly of power in absolutist regimes was more of an aspiration of rulers facing intractable social groups. Though Louis XIV of France increased French military capacity to unprecedented levels under the pressure of war after the mid-seventeenth century, this was not sustained over time and the problems of government control ended the regime a century later. The association of absolutist government, violence, and weakness is also echoed in some modern scholarship. As the political scientist Joel Migdal has pointed out, coercion?\* is often misinterpreted as evidence of “strength.”[[55]](#footnote-55) The old insight of theorist Hannah Arendt, that violence is a sign of weakness, is acutely relevant to this paradox.[[56]](#footnote-56)

Further, the term “absolutism” usually implies that the ruler was acting without consent from the people, i.e. arbitrarily—again, in tension with representative premises. Indeed, in France, no *central* representative institution existed. The Estates-General were last called in 1614 and were very intermittent prior to that—hence the label “absolutist.” However, it is not as if it lacked *any* representative institutions. It still had \*twenty-three functioning local assemblies in 1789 that raised revenue and troops highly effectively.[[57]](#footnote-57) Many other continental absolutist regimes like Castile or the Holy Roman Empire countries also had rich histories of local assemblies. However, as these assemblies were geographically and socially delimited, they did not define the regime as a whole.

The difference rather was that England had one *central* institution as the main organ of governance, as opposed to France or Spain.[[58]](#footnote-58) Accordingly, although in England consent is assumed to define the regime, this is only the optical effect produced when consent is negotiated centrally, in Parliament. Where consent was secured, coercion was latent, but control was higher. Consent was not absent in the other “absolutist” countries, as we will see; instead, it was exercised (and often refused) in an infinite number of local contestations. In fact, historians of non-Western, so-called “despotic” regimes, like Russia and the Ottoman Empire, have often come to understand state-society relations in similar terms.[[59]](#footnote-59)

Explaining how representative institutions became effective organs of governance thus requires understanding why they became *central* institutions. This, I will argue, required strong and effective centralizing powers.[[60]](#footnote-60) Central power was thus not only congruent with demands for consent; it was, I will argue, a necessary precondition for their effective institutionalization.

### The Inverse Logic of Emergence: Separation of Powers and Functional Fusion

The importance of centralization also emerges from another important aspect in the history of representative institutions. The separation of powers has been a hallowed principle of Western constitutionalism since at least the eighteenth century, with classical origins.[[61]](#footnote-61) It has served as a bulwark against abuse and the corruption of the liberal democratic order, especially in the American political tradition but extending far beyond it.[[62]](#footnote-62) Yet the English political system has violated the principle since its inception.[[63]](#footnote-63) Until a Supreme Court was established in 2005, the House of Lords was the highest court of the land as well as the upper legislative chamber. Rather than separating powers, it fused them. The king headed Parliament, given his status as landholder which endowed him with jurisdictional rights over all subjects, since the 1200s, when Parliament first emerged.

The crown’s adjudicatory role was not exceptional in the premodern period, as noted above. All rulers, western and eastern, dispensed justice in their courts, as did the various lords with more local powers. As we will see, tsars in Russia just as much as sultans in the Ottoman Empire were formally bound to dispense justice to their subjects. Many western early parliaments were also courts of law, in fact courts of the highest authority given the ruler’s role as adjudicator. Even today, the role of judicial processes in spearheading political integration is important, as in the case of the European Union, as the political scientist Daniel Kelemen argues.[[64]](#footnote-64) The degree to which judicial powers remained fused with executive and legislative ones, however, has varied widely.

The one case that developed the most robust and long-lasting representative institution in Europe, England, also delivering a model of liberal governance that has been widely influential, did so by concentrating powers in a highly efficient manner. Although much of current social science would treat such rare occurrences as outliers of less significance for any general theory, a deeper understanding of influential cases remains necessary, as the economist Dani Rodrik has argued.[[65]](#footnote-65) Given how most continental cases had a turbulent path to democracy, via absolutism, revolution, fascism, fragmentation, even world war,[[66]](#footnote-66) it is unclear that they offer a better way to understand the emergence of governing institutions, which is the aim in much of the literature.[[67]](#footnote-67)

### The Inverse Logic of Emergence: Security of Property Rights and Levels of Extraction

Any account of parliamentary politics has to grapple with the seminal contribution by economists North and Weingast on credible commitment, which linked the English parliament to the provision of “secure property rights, protection of…wealth, and the elimination of confiscatory government.”[[68]](#footnote-68) This argument has encapsulated the neo-institutional perspective that revolutionized economics by focusing on secure property rights, which allowed the approximation of social to private rates of return. After Parliament became sovereign, it could credibly commit not to default on debt, thus enabling the sharp rise in public debt that fueled Britain’s economic growth and political expansion.[[69]](#footnote-69)

The assumption of more secure property rights has been challenged however by economic historians, who noted that rights did not change much before and after 1688.[[70]](#footnote-70) Moreover, the capacity to raise public debt seems more directly tied to a greater state capacity to tax and raise long-term debt,[[71]](#footnote-71) itself enabled by the role of Whig ideology,[[72]](#footnote-72) ministerial accountability,[[73]](#footnote-73) or a thriving commercial economy.[[74]](#footnote-74) Further, neo-institutionalist scholarship originally focused on the state as the main threat to property rights. It posited a zero-sum game between the ruler and subjects, following the intuitive premise that “the property rights structure that will maximize rents to the ruler (or ruling class) is in conflict with that that would produce economic growth.”[[75]](#footnote-75) Accordingly, if economic growth is to be assured, institutions will protect property by reducing rents to the ruler. Security of property rights should not necessarily mean limits to taxation, and North later acknowledged the state’s centrality in securing such rights,[[76]](#footnote-76) albeit not in the early stages of development.[[77]](#footnote-77) However, the association of security with limits to taxation has persisted.[[78]](#footnote-78) It is echoed in Acemoglu and Robinson’s distinction between “inclusive” and “extractive” economic institutions[[79]](#footnote-79) and, critically, survives in current politics.[[80]](#footnote-80)

However, historical evidence shows the opposite to be the case. Economic historians have argued that we need to move beyond “simplistic notions of predation and constitutional regimes.”[[81]](#footnote-81) For instance, Spain has been the classic exemplar of a predatory state in the neo-institutionalist literature, extracting at levels that undercut economic growth.[[82]](#footnote-82) But recent revisionist studies by economic historians have challenged this view. Drelichman and Voth have shown that Spain was raising a smaller percentage of GDP from taxes than England in the late 1500s (less than 10 percent),[[83]](#footnote-83) a trend confirmed for the late eighteenth century by Regina Grafe.[[84]](#footnote-84) She has also noted that Spain was not “predating” on its colonies: “95 percent of taxes raised in the Spanish Americas were spent in the Spanish Americas.”[[85]](#footnote-85) Econometric studies by Dincecco and Karaman and Pamuk have confirmed Hoffman’s observation that England extracted more than France as well after the 1400s.\*[[86]](#footnote-86)

These accounts however assume high extraction is endogenous to parliament, on the grounds that as “more political control accrues to elites, it becomes more likely that new tax funds will be spent on items that will benefit them (versus the ruler only).[[87]](#footnote-87) The derivation of high extraction from a social contract is enabled by focusing on the period after the 1400s. Yet in the period of origins of concern here, the ruler, not parliament, exercised control. If we are to understand the origins of such institutions, we thus need to know what the levels of extraction were before parliaments emerged as coordinating devices. We also need to understand the distributive politics in this process, especially who was burdened by taxation. After all, the real distinction in Acemoglu and Robinson’s account is not between inclusive and extractive institutions, but inclusive and exclusive ones: as they note, colonial Spanish America did not lack secure property rights, it restricted them to the colonists; it was the “mass of the people” who were only subject to coercion and excluded from protection.[[88]](#footnote-88) This book argues that that regimes are often classified as extractive, coercive, or absolutist when they can only compel the weaker social groups, while power holders remain beyond state control. Constitutional structures, by contrast, required strong state powers.

## Representative Emergence and The Myth of State Weakness

How can this argument about royal strength be reconciled with the widespread assumptions of a weak state especially in the prototypical representative state, England? This is especially pertinent since much of the literature assumes that England was weak before 1660 or even 1500, as were all European territorial states.[[89]](#footnote-89) Moreover, if English rulers were instead powerful, why would they acquiesce to an institution that would eventually constrain them? Could they not foresee future limits to their power?

The assumption of English weakness has prevailed due to the importance of seventeenth-century developments for constitutional history. The German historian Otto Hintze influentially argued that England was able to preserve its constitutionalism because it was unburdened by heavy geopolitical pressures and had a commercial economy and a weak state.[[90]](#footnote-90) However, by the 1600s parliament already had a four-hundred-year history.

Moreover, it is hard to sustain the image of weakness given the evidence. The English seventeenth century was a period of turmoil and internal weakness that proves rather uncharacteristic if a longer timeframe is adopted, as this account will argue. The sociologist Michael Mann compellingly showed that English rulers had been increasing their fiscal extraction to wage war since the Middle Ages.[[91]](#footnote-91) The historian John Brewer further challenged the weak state notion for the period after 1688, whilst also noting the high centralization of the medieval period.[[92]](#footnote-92) As already noted, economic historians have placed the claims in comparative perspective, showing a striking extractive advantage in taxation for England (and other constitutional regimes), by 1500 and after the seventeenth century respectively.[[93]](#footnote-93) The most robust representative institution in premodern Europe, which generated the first liberal democracy, England, also had the strongest crown and was able to tax its subjects more heavily than its absolutist competitor, France—as Adam Smith approvingly noted even in the eighteenth century.[[94]](#footnote-94) This book will argue that this advantage dated to the medieval period.

Nonetheless, evidence abounds that English kings routinely strained to raise resources,[[95]](#footnote-95) whilst rulers who were completely autonomous dispensed with assemblies. Some princes, in Thuringia and Meissen for instance, avoided representation until the fourteenth century because of income from silver mines, as did the Teutonic Order due to its grain revenues,[[96]](#footnote-96) though such instances were rare. Rulers who established polity-wide representative institutions were thus not omnipotent; their lack of autonomy was only relative, however. The balance of power with social groups was in their favor. This explains why they would acquiesce to parliaments—in fact, as we will see, they actively pursued them. Their powers were not thereby diminished. What is commonly assumed to be a parliamentary limitation to rulers’ powers eventually often emerges, as this account will argue, as the regularization of their jurisdiction and revenue.

Where did such powers originate? Just as in the modern developing world, power in the premodern period was vested in the control of land.[[97]](#footnote-97) England’s remarkable land regime, which vested all land in the Crown, highlights its misclassification as a relatively weak state; it is a legal formality today but was not before the seventeenth century. How land control translates into power is a complex question that will be approached throughout the book. However, the power to enforce this control over land varied substantially across cases. The origins of these varying *de facto* powers exceed the bounds of this account, and have to be taken as exogenous, though some suggestions are reserved for the conclusion. The major sociological treatment of the topic remains that of Michael Mann.[[98]](#footnote-98) Uncertainty about this origin would only challenge this account if variation in such state capacity was endogenous to parliamentary institutions. As we will see, such capacity preceded the emergence of parliaments in the cases where these became polity-wide and representative.

## The Theory

As the preceding discussion has suggested, explaining why representative institutions emerged and consolidated enough to become central organs of governance requires addressing a number of key puzzles. It must clarify why social groups would demand a regular institution, rather than seek to free-ride. It should also explain how social groups were able to overcome conflicts of interest to raise a unified front against an extracting ruler. Finally, it must also explain how regimes incorporated broader segments of the population, especially the countryside, so as to be deemed inclusive. These answers should also illuminate Weingast’s dilemma, how a government strong enough to protect property rights does not end up confiscating its citizens’ wealth.

To explain these enduring questions, this book builds on a simple proposition: the “fundamental political dilemma” and society’s collective action problem was best resolved when the ruler could compel his most powerful subjects through conditional relations. Polity-wide representative bodies, this book will argue, depended on the power rather than the weakness of the ruler. This power typically turned on the ruler’s capacity to enforce the conditional nature of property rights to land and thus on an asymmetric balance of power. Throughout the premodern world, land was generally held conditionally on the performance of key obligations to the ruler, including providing services, troops, and counsel and financial aid.[[99]](#footnote-99) Rulers typically obliged their subjects to attend court, an obligation that most preferred to avoid—much as most citizens treat jury duty today. When the king also dispensed justice at court, however, subjects had incentives to attend the institution where their obligations were adjudicated and to demand that it become regular. Groups acquired incentives to act in common because they had joint obligations. Conversely, the ruler then had a ready forum in which to present tax demands, especially to his most powerful subjects. The greater the capacity of the ruler to enforce this structure, the more robust and inclusive the representative institution.

Such a view requires recalibrating a number of assumptions. We deem representation to have been a hard-won right, so re-conceiving it as an obligation appears as counterintuitive. But the historical record leaves little doubt. As political theorist Hannah Pitkin observed, “far from being a privilege or right, attendance at Parliament was a chore and a duty, reluctantly performed. Only with the passage of time did parliamentary representation begin to be used as a device furthering local interests, as a control over the power of the king.”[[100]](#footnote-100) But the insight has been lost in modern social science. Its obligatory character is clear in its origins: it was formalized throughout Europe through the Roman legal form of plenipotentiary powers, the powers given to legal agents to represent litigants in court. This legal form was transposed to political practice, as explained in chapter 4, so that local communities would be collectively bound by decisions of their representative; it was not, initially, a right demanded from below.

Another major reframing concerns the critical actor in this process. Though most accounts focus on the urban, mercantile classes, following a distinguished strain in liberal historiography, it was the nobility that was key for representative institutions in most cases. Nobles were linked by ties of kinship, patronage, marriage, fealty, ritual, and property, as sociologist Julia Adams has seminally shown for the early modern Netherlands and many historians for France. However, only rarely did they coordinate so as to produce enduring institutional effects rather than rebellions. After all, Adams explains Dutch decline through elite failure at the polity level.[[101]](#footnote-101) Collective action was difficult, I argue, because it typically depended on a ruler capable of compelling them to attend the center. Where this was not the case, as in Castile or France, national representative bodies were weak or eclipsed. To explain the emergence of representative institutions the key thus was the compellence of the most powerful group (Figure 2). [[102]](#footnote-102)

Figure 2: \*English prototype



It is important moreover to distinguish between the dynamics that generated *institutions* and those that enabled representative *practice,* as the book will show, although the two are routinely conflated*.* The *institution*, Parliament, is defined here as a regular meeting following (eventually) set rules and procedure. The *practice*, representation, involved communities dispatching citizens to the center. For the *institution*, I argue, the requirement was regular presence of the most powerful social group, in most cases the nobility\*(Sweden?). Representative *practice* involved the inclusion of broader groups, not just elites, but noble compellence was again key for broader incorporation.

Compelling the most powerful was key for a number of reasons. On the one hand, without power over the nobility, rulers had limited access to the populations under noble jurisdiction. When nobles could be compelled, by contrast, rulers could summon representatives from across society, both rural and urban. Needing allies, the nobles themselves often included their dependent tenants.[[103]](#footnote-103) Contrary to most accounts, the step of including broader social groups is thus temporally and causally secondary; elite compellence comes first. Without broad-based integration, representation had limited political effects, as in Castile: urban groups dominated but representative institutions lacked the strength and inclusiveness to become effective instruments of governance of the whole polity. The nobility and its large, immune jurisdictions were beyond royal control. The result is identified with absolutism, even though, as discussed in chapter 5, realities on the ground suggest far from absolute power. Sometimes relatively weaker rulers, who could not control the highest nobility, controlled the lower nobility instead and generated representative activity with those groups, resulting in what I call “second-best constitutionalism,” as in Hungary, Russia, and elsewhere.

Compellence of the most powerful was also necessary because these were the groups that were powerful enough to curtail the ruler; but they only had a collective interest in doing so when they had common obligations, whether in service or taxes—these tended to flow from conditional rights to land handed by the crown.[[104]](#footnote-104) Ruler capacity ensured that nobles were regular attendees at the crown’s court, sessions of which eventually coagulated into Parliament. Without them, representative institutions foundered, as in France. Noble presence is what sustained Parliament after all during the more “absolutist” periods of English history. After 1526, nearly 60 out of 70 Parliaments contained no popular representatives.\*[[105]](#footnote-105) The “fundamental political dilemma” is thus resolved when coercion is successfully channeled through institutions that conscript the most powerful challengers. No elite compellence, no enduring representation.

No system can sustain itself on compulsion alone, however. Representatives had little incentive to support a central institution that only extracted from them without also meeting some systematic demand. That demand is widely associated with war pressures. But war was intermittent and a top-down demand. So this can’t explain how a *regular* institution would emerge. Justice, on the other hand, was unremitting and bottom-up. The demand was expressed through petitions and appeals to courts. Throughout the premodern world, we find the same concerns with corruption of royal officials, miscarriage of justice, crime and order, and, especially, property rights in land. The book will show the intricate connection of representation with petitions and judicial practice, even at the level of procedure.

Justice mattered because it mitigated the burden to attend the center by providing incentives to seek central intervention. When the ruler could compel the most powerful, it also offered him a ready regular infrastructure to handle fiscal and other political needs. This had central and local effects. At the center, where the judicial functions were fused with the fiscal/political ones, as in England, a central institution of governance could more easily consolidate, through a process called institutional layering.[[106]](#footnote-106) Where functions remained separate, as with the French Estates-General, the fiscal/political institution eventually lapsed, a pattern that is reflected across many cases. In Prussia, for instance, the \*Estates only voted taxes, so they did not develop a judicial or legislative role and remained confined at the local level.

Locally, the more judicial structures were under royal control, the easier it was to mobilize them on a *systematic* basis across the polity to serve ruler needs, whether to contribute to taxation or to perform service. This enabled central representative institutions to become territorially anchored across the polity, including all social groups, not just urban capital-holders. The institution that was used for court procedures, the local assembly, also drafted petitions and selected representatives for parliament. English kings mobilized striking numbers of subjects to perform tasks that were entrusted to paid officials in France and elsewhere, as shown through original metrics on service and officials in chapter 3. The connecting tissue that brought all these factors together was the conditional control of land, which generated obligations and dependence between actors and the state.

Neither conditional land-holding nor the adjudicatory system predicated on petitions suffices to explain representative outcomes, however. A recurrent finding of this book is that the building blocks of a representative order were widely available, even in Russia and the Ottoman Empire, which developed little or no constitutional mechanisms. Conditional land-holding was prevalent across premodern polities in both East and West, \*as noted previously. Petitions were also a universal expression of grievance from antiquity to the modern period, from Western Europe to the far East.[[107]](#footnote-107) However, although the demand for justice was not specific to the West, national representative bodies were.

What was distinctive, especially in England, the book argues, was that petitions were submitted collectively, systematically aggregating concerns at the supra-local level. Rulers achieved this by mobilizing the mechanisms of collective responsibility. A widespread trait of premodern societies, collective responsibility was applied even in the smallest communities to resolve conflict and maintain social order.[[108]](#footnote-108) The system held a broader group (whether kin, village, or administrative unit) responsible for the actions or obligations of individual members, whether crimes or taxes. Representation was itself a form of collective responsibility, since decisions at the center were binding on the community represented.

In England, the crown imposed collective responsibility at the county, hundred, and town levels.[[109]](#footnote-109) By contrast, in the Russian and Ottoman empires, the same principle, albeit pervasive, organized social life mostly at the local level with weak mechanisms of aggregation: the state did not impose uniform organization across its territory, except in some remarkable instances in sixteenth-century Russia when assemblies in fact proliferated. A uniform administrative frame was only rarely imposed across larger units, as was the case with the English counties. Size surely inhibited this in Russia, as it did in the Ottoman Empire. But supra-local patterns are not observed even in the initial core territories, with the aforementioned exceptions.

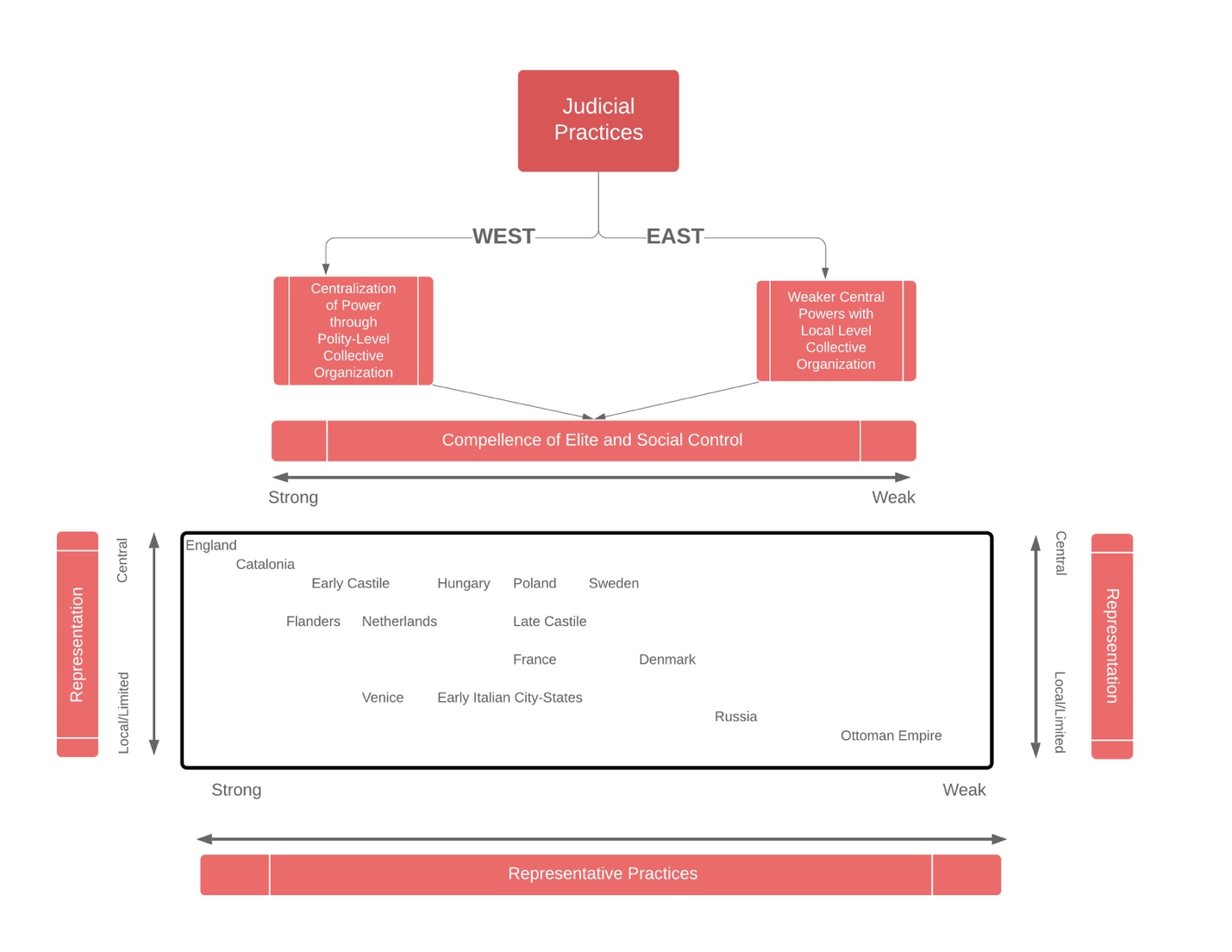
Consequently, judicial interaction between center and periphery in those cases was mostly highly atomized. Institutions did not systematically aggregate judicial concerns into general laws in a way that eventually defined the regime, as “common petitions” did in England—although much local practice was highly similar. If collective responsibility was not systematically aggregated at the center and if royal courts did not have binding power *throughout the polity*, a central system of representation could not be sustained. Only strong royal authority could achieve that. Where it did, as in England, it enabled the territorial anchoring throughout the polity that is necessary for a regime to become representative.

Rather than attributing this variation to warfare pressures, to economic growth, or to a conception of rights, as existing theories do, this account thus focuses on the differential capacity of rulers to enforce judicial and other service at the supra-local level, utilizing the compulsory mechanisms of collective responsibility and representation. As we will see, this capacity typically *precedes* the pressures of war and it shapes economic change.

\*My argument thus revives the Tocquevillian association of absolutism with weakness and constitutionalism with state strength, highlighted in other contexts by the sociologist John Hall.[[110]](#footnote-110) It also articulates how legitimacy sustains interlocking institutions, by tying representative institutions to bottom-up demands. Such processes shape infrastructural power, as defined by Michael Mann:[[111]](#footnote-111) the state’s institutional capability to implement policies across its territory. However, I posit that strength and weakness were causal conditions, not (just) outcomes, of regime variation. England created an “organic” regime because it could overcome fragmentation.[[112]](#footnote-112) France, by contrast, developed absolutist structures because it was too weak to do otherwise. The strategy of “divide and rule,” which Tocqueville identified as the root of French pathologies, was the optimal strategy given the incapacity to control social groups that were far too recalcitrant and radical, not submissive, as shown in this book. It was power over the most powerful that ensured that the rest of society could be successfully integrated into the judicial system, the centralization of which was key for representative robustness.

This book is not claiming that polity-wide representation is, was, or should be the only form of governance. Multiple other forms have existed, many highly functional. Nor does it assume that other regions exhibited some “failure” in not developing representation. It simply takes the form that prevailed in Europe, for better or worse, and seeks to illuminate its necessary conditions.

Figure 3: Variation of Cases on Key Variables



## Case Selection and Plan of the Book

The principle of organization of this book is analytical. Masterful accounts on premodern regime formation, by Ertman, Downing, and eminent historians, already offer a chronological presentation of institutional development. This analysis, moreover, aims to specify not a full causal model, but only some necessary conditions for the outcome, representative institutions as central organs of governance. As sociologist James Mahoney points out, analysis of necessary conditions is “important when evaluating certain outcomes of exceptional interest.”[[113]](#footnote-113)

An analysis of necessity omits factors that were historically important but causally peripheral to the question. For instance, the Church is not treated separately here but as another landowner, though for many related questions its contribution was fundamental. Church strength seems to have varied inversely with that of the state; cases identified here as weak typically had strong Churches. This is *historically* important but not *theoretically* consequential; it does not alter the main claim advanced here, it supplements it.

The cases examined are England, France, Castile, Catalonia, Hungary, Flanders, Italy, Poland, Sweden, Holland, the Ottoman Empire, and Russia, with brief consideration of additional cases (Denmark, Sicily, Switzerland, and the Holy Roman Empire\*). The concept of a case is problematic: temporal variation exists within cases (which is leveraged to increase confidence in the conclusions) and some cases consist of multiple separate units (e.g. Flanders and Italy). However, the focus here is on polity-wide governance; further studies can test the hypotheses at the more micro level.

Cases were selected on two main criteria. The first is sufficiency in establishing necessary conditions; the second is availability of evidence on critical variables *in the very early period, before the institution first appears.* Some methodologists have argued that if about five cases with the outcome of interest display the posited factor, necessity can be affirmed with 95% confidence.[[114]](#footnote-114) However that may be, this study aims to show that strong central powers, especially over the most powerful social groups, are a precondition of representative institutions at least in the major cases typically examined in social science. For this, England is a “crucial test,” since it generated the alternative hypotheses challenged in this account.[[115]](#footnote-115)

This is then confirmed through the method of congruence in further cases, to assess whether the values of the necessary condition and outcome co-vary in the expected direction.[[116]](#footnote-116) Early Castile, early Catalonia, Hungary, and periods of Flemish and Dutch history offer confirmation, with indications on other cases. The logic is also observed in cases where ruler power was weaker and only sufficient to control a lower nobility, the pattern I call second-best constitutionalism.[[117]](#footnote-117) This also explains historical “anomalies,” such as the brief representative activity in seventeenth century Russia, as well as periods of Hungarian and Polish history, when ruler authority declined. The argument is strengthened by considering cases thought to prove the conventional logic: city-states, where representative activity appears to occur without strong rulers. I show how these are cases of omitted variable bias due to a truncated temporal frame: lords were central in first organizing political life.

Cases where ruler power was low and the outcome is not observed only indirectly support a claim about necessity.[[118]](#footnote-118) Still, France and Spain had weak representative regimes and I show their kings were generally too weak to enforce conditionality. Moreover, variation in the degree and type of control across time shaped outcomes in the predicted direction: representative institutions were phased out at the central level in France, but not in Castile (until the Napoleonic conquest) where original powers were higher. Ordinal comparison therefore increases confidence in the mechanism’s plausibility.

The necessary condition of power preponderance is measured through different observable implications. The conventional measure is taxation.[[119]](#footnote-119) It will be shown to be initially exogenous, as some taxing capacity precedes representation. Further indicators of this capacity, land control, the granting and enforcement of conditional rights to land, the creation of a uniform court system, the fusion of judicial with political and fiscal functions, the imposition of judicial service, especially on the most powerful groups, and of the obligation of representation, are examined through structured, focused comparisons across Western European cases, though data are highly unsystematic. Clearly separating cause and effect is hard, as many of the effects reinforce the cause (judicial centralization increases royal power) but some state capacity must be already present.

England is then set against two prototypical contrasts, Russia and the Ottoman Empire, which did not develop polity-wide representative institutions, even though their rulers are claimed to have “owned all the land,” as I show English kings did. Unlike arguments on sufficiency, ones on necessary conditions are unaffected by cases that have the condition but not the outcome. Nonetheless, such cases help identify what distinguished the “West” from regions without a representative tradition. Although they appear to be very different cases compared to England, they are remarkably similar across many key dimensions. The difference lies instead in the practice of obligation-based representation and the organization of collective responsibility at a supra-local level by the state, both absent in the two eastern cases, as weaker state powers would predict.

[rewrite this]\*Cases with some representative activity, but limited evidence on the early period of origins, cannot be assessed, since later periods often display inverse dynamics. England after the fourteenth century seemed like a case where “rights” led to “constraint” on royal authority, but this outcome cannot inform us about conditions of emergence. Accordingly, some well-known cases cannot be treated here and await more detailed information on the early period (Norway, Iceland, \*the Sicilian Norman kingdom, many small central European kingdoms, and the \*Swiss Cantons).[[120]](#footnote-120) I instead identify the evidence that would prove the claims: ruler powers, especially on the most powerful, that predate the institution, control of land in conditional terms, strength of judicial courts, and the practice of collective responsibility and petitions. The early United States, by contrast, has rich records that promise an intriguing comparison. So do the cases of the the Byzantine Empire, Japan, and China.

The structure of the book is as follows. Parts One and Two distinguish between the origins of *institutions* and of representative *practice*. Part One attributes representative institutions to noble compellence based on conditional land tenure, which prioritized judicial processes that had both regularity and bottom-up demand. This led to functional fusion, a theory explained by comparing English and French institutions. The argument is confirmed at the aggregate level by drawing on accounts of how Civil and Common Law diverged.

Part Two explains how representative *practice* was originally an obligation that was more effectively imposed where compellence powers were already higher, by comparing England with France and Castile. Part Three addresses alternative hypotheses ascribing representation to trade growth. It shows how trade was endogenous to strong central authority, by comparing two classic cases, the English and Spanish wool trades.

Part Four expands on the role of land and conditionality, which emerge as primary motors for representation. Conditionality also explains the “second-best constitutionalism,” exhibited in Hungarian, Polish, Swedish, and Russian episodes. That conditionality was not sufficient for representation to emerge, however, is shown by establishing the striking similarities between English and Ottoman land law.

Part Five brings all these strands together to attribute the emergence of polity-wide representative regimes to the supra-local organization of collective responsibility by the state. The two non-Western polities were strikingly similar at the micro level, but differed from Western cases on this dimension, traceable to weaker state powers. The conclusion examines some implications of the argument on the intractable question of the origins of power.

## Bib

1. \*. [↑](#footnote-ref-1)
2. Hartshorne 1871. [↑](#footnote-ref-2)
3. Olson 1993. [↑](#footnote-ref-3)
4. Vale 2001, 142-3. [↑](#footnote-ref-4)
5. Trabut-Cussac 1952. [↑](#footnote-ref-5)
6. Vale 2001, 147. [↑](#footnote-ref-6)
7. Vale 2001, 136. [↑](#footnote-ref-7)
8. Simpson 1986, 47. See chapters 3 and 11.\* This book will discuss mostly England, as Great Britain only became an entity after the 1707 union with Scotland. [↑](#footnote-ref-8)
9. Bisson 2009; Maddicott 2010; Hébert 2014. The judicial perspective flows from the seminal work of Frederic Maitland 1893 and Joseph Strayer 1970. Two English conservative historians controversially argued that “the essence” of parliament was its judicial function and that the political function was overrated by Whiggish anachronistic accounts; Richardson and Sayles 1981. Today, even their critics concede justice is important, though, as here, not sufficient (as reviewed in Boucoyannis 2015). Justice is otherwise ubiquitous in premodern historical work, as discussed throughout the book. [↑](#footnote-ref-9)
10. Besley and Persson 2011; Fukuyama 2011. [↑](#footnote-ref-10)
11. Tilly 1990. [↑](#footnote-ref-11)
12. See the fascinating work by Arjona 2016 and Revkin 2016. [↑](#footnote-ref-12)
13. Lord 1930; McIlwain 1932, 682; Blickle 1997; Blockmans 1978, 192; Marongiu 1968. [↑](#footnote-ref-13)
14. The polity level is assumed here to coincide with the area of nominal jurisdiction of a ruler. It is not a historically fixed concept. The maps by Nüssli 2008 offer reasonable approximations. I use “polity” to avoid the anachronistic term “national.” [↑](#footnote-ref-14)
15. Since the book focuses on the premodern period, England is treated as a separate unit. [↑](#footnote-ref-15)
16. From 1629 to 1640. [↑](#footnote-ref-16)
17. Cicero, *Philippic 5*. [↑](#footnote-ref-17)
18. Levi 1988; Bates and Lien 1985; Blockmans 1978; van Zanden, Buringh et al. 2012, 12; Schumpeter [1918] 1991. Olson 2000, 46-7 critiqued this perspective; Moe 2005, 25. [↑](#footnote-ref-18)
19. Hintze\* Stasavage 2010; Boix 2015. [↑](#footnote-ref-19)
20. Downing 1992; Ertman 1997. [↑](#footnote-ref-20)
21. \*Madicott. The word “judicial” includes activities beyond the simple application of the law: petitions became necessary where remedies through the law were insufficient; Dodd 2007, 323. Adjudicatory is closer, but cumbersome [↑](#footnote-ref-21)
22. Machiavelli’s 1970, 2.10 alternative⎯military and leadership virtue⎯cannot explain representative emergence either. [↑](#footnote-ref-22)
23. van Zanden, Buringh et al. 2012. [↑](#footnote-ref-23)
24. Levi 1988, 96; Besley and Persson 2011. [↑](#footnote-ref-24)
25. \*Gennaioli and Voth 2015, 1410. See also, Harriss 1975, 34-5. [↑](#footnote-ref-25)
26. Haber, Maurer et al. 2003, \*. [↑](#footnote-ref-26)
27. Bates and Lien 1985; Levi 1988. [↑](#footnote-ref-27)
28. Harriss 1975, 427, 431; Prestwich 1990, 122; Mitchell 1951, 59; Matthew Paris 1852, 401-2; O'Callaghan 1989, 131. [↑](#footnote-ref-28)
29. Hoffman 2015, 70. [↑](#footnote-ref-29)
30. Ágoston 2005; Hoffman 2015, 13. [↑](#footnote-ref-30)
31. Pomeranz 2011; Rosenthal and Wong 2011. [↑](#footnote-ref-31)
32. Marongiu 1968. [↑](#footnote-ref-32)
33. Mann 1986; Fukuyama 2011; Congleton 2011; North, Wallis et al. 2009; Ertman 1997. [↑](#footnote-ref-33)
34. North 1981; North and Weingast 1989. [↑](#footnote-ref-34)
35. Stasavage 2003, 2011. [↑](#footnote-ref-35)
36. Hall 1985; Blaydes and Chaney 2013; van Zanden, Buringh et al. 2012; Hariri 2012. Cf. Parthasarathi 2011; Kuran 2011; Woodberry 2012. [↑](#footnote-ref-36)
37. Moore 2008; Bräutigam, Fjeldstad et al. 2008. [↑](#footnote-ref-37)
38. Levitsky and Ziblatt 2018. [↑](#footnote-ref-38)
39. Moe 2005; Besley and Persson 2011. [↑](#footnote-ref-39)
40. Weingast 1995, 1. [↑](#footnote-ref-40)
41. \*Acemoglu and Robinson 2005. [↑](#footnote-ref-41)
42. North and Weingast 1989. [↑](#footnote-ref-42)
43. Gehlbach and Malesky 2014; MacIntyre 2003. [↑](#footnote-ref-43)
44. Olson 2000. [↑](#footnote-ref-44)
45. Haber, Maurer et al. 2003, 3. [↑](#footnote-ref-45)
46. See the critique in Fukuyama 2004. [↑](#footnote-ref-46)
47. Bloch 1953. [↑](#footnote-ref-47)
48. Knight 1995; Thelen 2003; Capoccia and Ziblatt 2010. [↑](#footnote-ref-48)
49. Ertman 1997; Downing 1992. [↑](#footnote-ref-49)
50. Blockmans 1978, 192; Hechter and Brustein 1980; Hopcroft 1999; Zolberg 1980, 689. [↑](#footnote-ref-50)
51. \*Scott 1998; North 1990, 113-4. See the dissenting revisionism in Treisman 2007. Classic statements are Austin 1847 and Riker 1964. [↑](#footnote-ref-51)
52. Anderson 1974. [↑](#footnote-ref-52)
53. \*. [↑](#footnote-ref-53)
54. Epstein 2000, 13. See also Mettam 1977; Major and Holt 1991; Henshall 1992 [↑](#footnote-ref-54)
55. Migdal 1988; Chaudhry 1993. [↑](#footnote-ref-55)
56. Arendt 1970. [↑](#footnote-ref-56)
57. See chapter 5. [↑](#footnote-ref-57)
58. \*Runciman 1993, 51. Grafe 2012 argues this powerfully for Spain. [↑](#footnote-ref-58)
59. This will be explored in Part 4\*. [↑](#footnote-ref-59)
60. Dincecco 2011 makes this case effectively for a later period. [↑](#footnote-ref-60)
61. Vile 1967; Jay 1994. [↑](#footnote-ref-61)
62. \*. [↑](#footnote-ref-62)
63. The few other states that adopted parliamentary supremacy, such as Sweden or the Netherlands, did so in the modern period. [↑](#footnote-ref-63)
64. Kelemen 2016. [↑](#footnote-ref-64)
65. Rodrik 2003. [↑](#footnote-ref-65)
66. See the accounts in Berman 2018; Ziblatt 2006. [↑](#footnote-ref-66)
67. Moore 2004, 297; Dincecco 2011, 1. [↑](#footnote-ref-67)
68. North and Weingast 1989. [↑](#footnote-ref-68)
69. \*. [↑](#footnote-ref-69)
70. Coffman, Adrian et al. 2013. [↑](#footnote-ref-70)
71. \*Dickson 1967; Deane 1979, 184-5\*check.Dickson 1967, 457. [↑](#footnote-ref-71)
72. Stasavage 2007{Pincus, 2011 #5267. [↑](#footnote-ref-72)
73. {Cox, 2016 #20959}. [↑](#footnote-ref-73)
74. Karaman and Pamuk 2013. [↑](#footnote-ref-74)
75. North 1981, 28. [↑](#footnote-ref-75)
76. Hough and Grier 2015, 30. [↑](#footnote-ref-76)
77. North 1990, 35, 54-60 and especially in North, Wallis et al. 2009. [↑](#footnote-ref-77)
78. Bosker, Buringh et al. 2013\*LeviBrennan and Buchanan 1980. [↑](#footnote-ref-78)
79. Acemoglu and Robinson 2012, 73-76. See also Boix 2015 on “producers” and “looters.” [↑](#footnote-ref-79)
80. Skocpol and Williamson 2016. [↑](#footnote-ref-80)
81. Grafe 2012, 25. [↑](#footnote-ref-81)
82. \*. [↑](#footnote-ref-82)
83. Drelichman and Voth 2014, 249. [↑](#footnote-ref-83)
84. Grafe 2012, 9. [↑](#footnote-ref-84)
85. Grafe 2012, 21. [↑](#footnote-ref-85)
86. \*Dincecco 2011; Karaman and Pamuk 2013. [↑](#footnote-ref-86)
87. Dincecco and Wang 2018, 349. Once we adjust for income levels, however, absolutist Prussia’s extraction may have exceeded England’s after 1700, as \*Karaman and Pamuk suggest.Karaman and Pamuk 2013. A somewhat mixed record emerges after 1950 too; Timmons 2010.\* [↑](#footnote-ref-87)
88. Acemoglu and Robinson 2012, 76. [↑](#footnote-ref-88)
89. \*. [↑](#footnote-ref-89)
90. See the next section. [↑](#footnote-ref-90)
91. Mann 1988. Some scholars rightly reject Whiggish models of explanation but consider England a perfidious exception; Bates 1988; Spruyt 1994. I defend England’s theoretical relevance, without, however, teleological or triumphalist overtones. [↑](#footnote-ref-91)
92. Brewer 1989, 3-24. [↑](#footnote-ref-92)
93. Hoffman and Norberg 1994; Dincecco 2011. [↑](#footnote-ref-93)
94. \*. [↑](#footnote-ref-94)
95. Maddicott 2010, 424. [↑](#footnote-ref-95)
96. Blockmans 1998, 35. [↑](#footnote-ref-96)
97. \*. [↑](#footnote-ref-97)
98. Mann 1986. [↑](#footnote-ref-98)
99. The historical term often employed for these arrangements is feudalism. Although Elizabeth Brown 1974 and Susan Reynolds 1994 challenged the concept of a fief as anachronistic, major medievalists have defended the term, carefully defined; see Bisson 1978, 1994; Bartlett 2000; Magnou-Nortier 1996. In any case, the challenges do not apply to England. Reynolds states that “England contributes much the best evidence of a connection between fiefs and military service and of the hierarchy of property rights—indeed the only evidence of either that fits the model without heavy interpretation.” The only point where England “fits the model very badly” is in having “an exceptionally strong and bureaucratic central government”—the central claim in this book; Reynolds 1994, 480, 323-395; Bartlett 2000, 202; Hollister 1976, 99-106. Moreover, her claims about France refer to the period preceding the one covered here, and she does not deal with Spain. Further confusion around the term comes from its association with manorialism; Holton 1985; Anderson 1974; Barzel and Kiser 2002. Others see it as a system of political decentralization and fragmentation; Spruyt 1994; Blaydes and Paik 2016, 2. However, political fragmentation only emerged when the apex of the feudal pyramid, the king, was too weak to enforce his claims on his subjects, as in France; Ganshof 1964. Since the focus here is on the principle of conditionality, rather than the historically specific form it takes, I have avoided using the term. Further studies could re-examine the role of homage, vassalage, and commendation that loomed large in older studies and pose interesting comparisons with cases like Japan; Ravina 1999. [↑](#footnote-ref-99)
100. Pitkin 1967, 3; Post 1943; Brown 1970. [↑](#footnote-ref-100)
101. Adams 2005, 137-163. For France, see indivatively, Sharon Kettering 1989. [↑](#footnote-ref-101)
102. The term ‘compellence’ was coined as a noun for the verb ‘to compel’ in deterrence theory; Schelling 1966, 72. Unlike coercion, it does not require force. Levi’s notion of “quasi-voluntary compliance” (1988, 52-3) captures a part of the process, but focuses on the subject, not the ruler. [↑](#footnote-ref-102)
103. Maitland 1908\*. [↑](#footnote-ref-103)
104. Maddicott 2010, 424 objects that the nobility’s subjection to taxes cannot be ascribed only to royal power, but his alternative explanations, early imposition of direct taxes and the development of corporate consent, also depend on strong ruler powers. [↑](#footnote-ref-104)
105. \*Sayles 1974, 18. [↑](#footnote-ref-105)
106. \*. [↑](#footnote-ref-106)
107. Millar 1992, 203-73; Kümin and Würgler 1997; Zaret 2000; Heerma van Voss 2001; Hung 2011; Keirstead 1990; Schneider 2006; Haboush 2009; Takeuchi 2014. [↑](#footnote-ref-107)
108. Weber 1978, 1022-25. [↑](#footnote-ref-108)
109. Holdsworth 1922, 11-12. [↑](#footnote-ref-109)
110. Tocqueville 1866; Hall 1994, xii-xiii. [↑](#footnote-ref-110)
111. Mann 1984, 2008. [↑](#footnote-ref-111)
112. Hall 1994, xiii on the twentieth century collapse of totalitarian regimes. [↑](#footnote-ref-112)
113. Mahoney 2000, 397. [↑](#footnote-ref-113)
114. Dion has shown this, using a simple Bayesian model of inference; Dion 1998, 135; Mahoney 2000, 395-6; Goertz 2003, 54-5. [↑](#footnote-ref-114)
115. Gerring 2007, 120-121. [↑](#footnote-ref-115)
116. George and Bennett 2005, 181-204. [↑](#footnote-ref-116)
117. Mahoney 2000, 408-9 advises against combining ordinal and nominal comparisons but only because of the problems in affirming necessary and sufficient conditions jointly. Given the focus on necessary conditions, this analysis is less bound by this restriction. [↑](#footnote-ref-117)
118. Seawright 2002, 185; Braumoeller and Goertz 2000. [↑](#footnote-ref-118)
119. Hendrix 2010; Besley and Persson 2009. [↑](#footnote-ref-119)
120. Marongiu 1968. [↑](#footnote-ref-120)